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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,706	09/19/2003	Patrick J. Caughlin		6020

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EXAMINER

ASHLEY, BOYER DOLINGER

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,706

Applicant(s)

CAUGHLIN ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, the expressions "such workpiece" and "such tool" are confusing, in that, it is not clear if they are referring the workpiece and tool set forth earlier or not. If they are then they appear to be double inclusions.

In claim 9, there is no positive antecedent basis for "said retaining flange".

In claim 10, the expression "such workpiece" is confusing, in that, it is not clear if they are referring the workpiece and tool set forth earlier or not. If they are then they appear to be double inclusions.

In claim 12, there is no positive antecedent basis for "said projection".

In claim 19, there is no positive antecedent basis for "said track sections".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Prease, U.S. Patent 3,586,077.

Prease discloses the same invention as claimed including, e.g.: a guide track (18/30); a clamp means (50/52) for releasably clamping the track to one side of a workpiece, the track defines a path to be followed by a tool (54); a carriage (60/58) for supporting the tool and capable of being supported by the workpiece (see Figure 1) for reciprocable movement relative thereto along the path; and slidable guide means (64/66/68) carried by the carriage and slidably cooperating with the track for guiding the tool.

As to claim 5, Prease discloses a track with an elongated member (16) with walls (20/22/24) defining a chamber (T-shaped slot between 22 and 24 as shown in Figure 2), one of the walls having a slot (26, extends the length of the track) extending longitudinally.

As to claim 10, Prease discloses a claim means (44) at opposite ends of the track as shown in Figure 1 (column 3, lines 50-55).

5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Makropoulos, U.S. Patent Application 2003/0233922.

Makropoulos discloses the same invention as claimed including, e.g.: a guide track (12/74); a clamp means (136) for releasably clamping the track to one side of a workpiece, the track defines a path to be followed by a tool (1604); a carriage (1616) for supporting the tool and capable of being supported by the workpiece (see Figure 1) for reciprocable movement relative thereto along the path; and slidable guide means (1640) carried by the carriage and slidably cooperating with the track for guiding the tool.

As to claims 2-4, the track is made up of multiple sections (12/74, see paragraphs [0006], [0049], and [0050]) with a separate coupling means (74) for each section. The elongated members on the outer sides of the slot with walls 52 and 62 which form a housing with a chamber therein such that the coupling means is removably accommodated in the chamber of two abutting sections. Makropoulos further discloses securing means (screws or 98) for reliably securing the sections. Makropoulos includes elongated slots (96) for the securing means (98).

As to claim 5, Makropoulos discloses a track with an elongated member (16) with walls (20/22/24) defining a chamber (T-shaped slot between 22 and 24 as shown in Figure 2), one of the walls having a slot (26, extends the length of the track) extending longitudinally.

6. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Fast et al., U.S. Patent 4,291,602.

Fast et al. discloses the same invention as claimed including, e.g.: an elongated track (12) having walls defining an internal chamber (18/20/21, the slot); a clamp means (22, Figure 1) on opposite ends of the track for releasably clamping the track to one side

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of a workpiece, the track defines a path to be followed by a tool (13); a carriage (38) for supporting the tool and capable of being supported by the workpiece (see Figure 1) for reciprocable movement relative thereto along the path; and slide means (14) carried by the carriage and slidably cooperating with the track for guiding the tool; a stabilizing means (32/33) capable of minimizing movement of the track transversely of the path by adding friction between the track and the workpiece; and a connecting means (the slots for 32/33 in the track) removably connecting the stabilizing means to the track and to the workpiece.

7. Claims 1, 5-6, 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton, U.S. Patent 3,829,231.

Hamilton discloses the same invention as claimed including, e.g., carriage (52/42); means (see column 3, lines 10-17) for removably mounting the saw to the carriage; an elongated track (12) having walls (18/64) defining a chamber (see Figure 4), one wall having a slot (14/16) in communication with the chamber and extending longitudinally on the track; a clamp means (20) at opposite ends of the track (see Figures 1 and 2) removably clamping the track to the workpiece, the track defines a path; the clamp means having a pair of jaws (22/24) movable toward and away from one another (see abstract), wherein one of the jaws of the pair being accommodated in the track (22) while the other is against the workpiece (24); a guide channel (sides 46/48/50 create a channel for the carriage 52/42) on said carriage and slidably embracing the track for guiding the carriage along the path.

As to claim 6, Hamilton discloses an actuating means (20/28//26/40) coupled to the jaws for moving the jaws relatively to each other for releasably clamping and unclamping the track to the workpiece.

Allowable Subject Matter

8. Claims 7-9, 11-18, and 20 appear to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

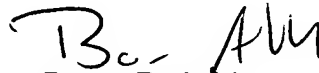
The prior art references cited but not relied upon were cited to shown similar devices in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
March 21, 2005